

Appl. No. 10/647,521

Attorney Docket No. 10541-1832

## **II. Remarks**

Reconsideration and re-examination of this application in view of the above amendments and the following remarks is herein respectfully requested. Claim 1 has been amended. No claims have been added or cancelled.

After entering this amendment, claims 1-8, 11 and 12 remain pending.

### *Further Claim Clarifications*

Prior to discussing the references, it is believed that a brief discussion on the current form of the independent claim of this application is warranted. The independent claim of this application has been amended to clarify, more particularly to point out and distinctly claim that which applicants regard as the subject matter of the present invention. Specifically, the claim now recites that the heater core has an input face and an output face, the output face being located closer to the evaporator core than the input portion. Support for these amendments can be found at least in paragraphs [0019] and are shown in Figure 2.

### *Claim Rejections - 35 U.S.C. § 102*

Claims 1-8, 11, and 12 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,749,008, to Kawauchi, et al. ("Kawauchi"). Additionally, claims 1-8, 11, and 12 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,415,867, to

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Nakamura, et al. ("Nakamura"). Applicants respectfully traverse these rejections.

The examiner contends that Kawauchi and Nakamura both individually disclose a vehicle temperature system including a housing having an intake opening duct, an output opening and a evaporator core, a heater core disposed in the housing downstream from the evaporator core in a generally side-by-side relationship, a separation wall or fixed air deflector having a first end and a second end, the first end being attached to the first portion of the heater core and extending at least partially along the length of the heater core in the space between the evaporator core and the heater core, a blower disposed in the housing upstream from the evaporator core, and a drain area in a corresponding drain hole formed through the housing adjacent to the evaporator core. Additionally, the examiner contends that both of these references disclose a separation wall to isolate a cold air portion and a hot air portion of the space between the evaporator core and the heater core, the separation wall defining a mixing channel or area for mixing cold air generated by the evaporating core and hot air generated by the heater core.

As stated previously, claim 1 has been amended to recite that the heater core includes an input face and an output face, the output face being located closer to the evaporator core than the input face. Both Kawauchi and Nakamura disclose exactly the opposite of the aforementioned. In both of these references, the input face of the heater core is located closer to the evaporator core than the output face of the heater core. As shown in Figure 1 of both references, the output of the evaporator is directly channeled to the

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heater core. Once the air is received by the heater core, the air is channeled around the heater core to the output opening. By channeling air directly from the evaporator core to the heater core, it becomes structurally necessary to place the input face of the heater core closer to the evaporator than the output face of the heater core.

In that all of the elements recited in claim 1 are not disclosed individually in either reference, the rejections under 35 U.S.C. §102 are improper and should be withdrawn. With respect to claims 2-8, 11, and 12, these claims are dependent on claim 1 and therefore are patentable for at least the same reasons as given above in support of claim 1. Accordingly, allowance of this claim is respectfully requested.

#### *Conclusion*

In view of the above amendments and remarks, it is respectfully submitted that the present form of the claims are patentably distinguishable over the art of record and that this application is now in condition for allowance. Such action is requested.

Respectfully submitted,

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